

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Milliken & Company,)
Plaintiff,)
vs.)
Grupo Antolin Michigan, Inc.,)
Defendant.)

NOTICE OF REMOVAL
C.A. No. 7:10cv2109-HMH

TO: The Honorable District Court of the United States for the District of South Carolina, Spartanburg Division

Grupo Antolin Michigan, Inc., Defendant in the above-entitled action, would respectfully show unto the Court as follows:

1) Defendant, Grupo Antolin Michigan, Inc., is a party in a civil action brought against it in the Court of Common Pleas of Spartanburg County entitled "Milliken & Company v. Grupo Antolin Michigan, Inc.," C.A. No.: 2010-CP-42-2142, which action was commenced by service of a summons and complaint on August 3, 2010. Copies of the summons and complaint are attached hereto as Exhibit A.

2) Subsequently, on August 11, 2010, Defendant was served with Plaintiff's amended complaint, copies of which are attached hereto as Exhibit B. No further proceedings have been had therein.

3) This Notice of Removal is timely filed within thirty (30) days of Defendant's receipt of the summons and complaint, as required by 28 U.S.C. § 1446(b).

4) Plaintiff Milliken & Company is a corporation organized under the laws of the State of Delaware, with its principal place of business in Spartanburg, South Carolina. (Ex. B, ¶ 1). Thus, Plaintiff is a citizen and resident of the State of South Carolina. Plaintiff is also registered and is authorized to do business in the State of Michigan.

5) Grupo Antolin Michigan, Inc. is the sole defendant in this action and no other parties are required to join in this Notice of Removal. Defendant is a corporation organized under the laws of the State of Michigan, with its principal place of business in Sanilac County, Michigan. Thus, Defendant is a citizen and resident of the State of Michigan.

6) Plaintiff's amended complaint alleges causes of action for breach of contract, breach of contract accompanied by fraudulent act, trade disparagement, unfair trade practices, and interference with prospective business relationships, and also seeks a declaratory judgment with respect to provisions of a contract between the parties.

7) The value of the matter in dispute in this case exceeds the sum of \$75,000.00, exclusive of interest and costs. *See Ellenburg v. Spartan Motors Chassis, Inc.*, 519 F.3d 192, 199-200 (4th Cir. 2008) (finding similar language in notice of removal satisfied the notice pleading standard of 28 U.S.C. § 1446(a)). Although Plaintiff's amended complaint does not quantify the damages sought, the amended complaint seeks actual, consequential, special, and punitive damages. (Ex. B). In addition, Plaintiff's claim for unfair trade practices seeks treble damages as well as attorneys' fees. The amended complaint also alleges that Grupo Antolin Michigan, Inc.'s actions "caus[ed] Milliken at least \$7.6 million in damages." (Ex. B, ¶ 4(h)). Accordingly, the amount in controversy, exclusive of interest and costs, exceeds the required jurisdictional amount.

8) Because there is diversity of citizenship between Plaintiff and Defendant and the amount in controversy exceeds \$75,000.00 exclusive of interest and costs, this action is a civil action of which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332. Therefore, the action brought by Plaintiff against Defendant is a suit of a civil nature, the character of which the District Courts of the United States are given original diversity jurisdiction under 28 U.S.C. § 1332, and is one that may be removed to this Court by Defendant pursuant to 28 U.S.C. §1441.

9) Grupo Antolin Michigan, Inc. submits this Notice of Removal without waiving any defenses to the claims asserted by Plaintiff or conceding that Plaintiff has pled claims upon which relief can be granted.

10) Written notice of the filing of this Notice of Removal is being contemporaneously served on Plaintiff's counsel.

WHEREFORE, Defendant, Grupo Antolin Michigan, Inc., respectfully requests that this action, now pending in the Court of Common Pleas for Spartanburg County, South Carolina, be removed therefrom to this Court.

Respectfully submitted,

Greenville, S.C.

August 12, 2010

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